

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL MASTERS,

Plaintiff,

v.

F.W. WEBB COMPANY, et al.,

Defendants.

ORDER

03-CV-6280L

Defendants in the above-captioned matter having filed a motion for sanctions or, in the alternative, for an order compelling the supplementation of discovery responses and an extension of the discovery deadlines (Docket # 57), and plaintiff having filed motions to quash (Docket # 60) and to limit discovery (Docket # 66), and this Court having considered the submissions of both parties, and oral argument having been conducted on May 10, 2006, it is hereby

ORDERED, that defendants' motion for sanctions (**Docket # 57**) is **GRANTED IN PART and DENIED IN PART**. Defendants' requests for sanctions precluding plaintiff from introducing at trial evidence relating to lost wages and for costs associated with the filing of this motion are denied. Plaintiff is directed to supplement his discovery responses relating to his mitigation of damages on or before **June 1, 2006**, and shall further supplement his responses on the **first day of every third month** thereafter until the time of trial. The deadline for completion of fact discovery shall be extended until **July 10, 2006**, and it is further

ORDERED, that plaintiff's motion to quash subpoenas intended to be served upon certain of his employers (**Docket # 60**) is **GRANTED**. By **May 24, 2006**, this Court shall be provided, either jointly by the parties or independently by plaintiff, a proposal for an alternative method by which plaintiff shall provide information requested by defendants relating to his efforts to mitigate damages, and it is further

ORDERED, that with regard to plaintiff's motion to limit discovery (**Docket # 66**), plaintiff shall provide a post-argument affidavit to this Court by **May 31, 2006**, addressing the issues identified by the Court during oral argument on May 10, 2006; defendants shall submit a responding affidavit by **June 14, 2006**; and plaintiff shall submit any brief reply papers by **June 19, 2006**.

IT IS SO ORDERED.

Marian W Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
May 16, 2006.